

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**MINUTES
BOARD OF SELECTMEN
REGULAR MEETING
FEBRUARY 23, 2004**

ATTENDANCE: First Selectwoman Evonne Klein; Dr. Joseph Miceli;
Barbara Thorne; Linda Santarella and Robert Harrel

STAFF: John Crary, Town Administrator

OTHERS: Jack Whitehead, Pete Hovell, Wayne Fox - Town Counsel,
Ruth Ann Ramsey, Janet Sargent

CALL TO ORDER

The First Selectwoman called the Regular Meeting to order at 7:30 p.m. She stated the next Regular Meeting will be held on March 1, 2004 at 5:30 p.m.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

January 20, 2004 - Regular Meeting

**** DR. MICELI MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF
JANUARY 20, 2004.
AS AMENDED.**

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

January 26, 2004 - Special Meeting

**** MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF THE SPECIAL
MEETING OF JANUARY 26, 2004 .**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

January 26, 2004 - Executive Session

**** MS. THORNE MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF
JANUARY 26, 2004.**

**** DR. MICELI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

January 29, 2004 - Special Meeting

**** DR. MICELI MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF
JANUARY 29, 2004.**

- ** MS. THORNE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

February 2, 2004 - Regular Meeting

- ** MR. SANTARELLA MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 2, 2004.**
- ** MS. THORNE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

February 5, 2004 - Special Meeting

- ** DR. MICELI MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF FEBRUARY 5, 2004.**
- ** MS. THORNE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

1st SELECTWOMAN'S REPORT

The First Selectwoman reported that she was the guest speaker at the Kiwanis Club on February 10th. She noted that her remarks were on the Board's priorities and accomplishments and that the community should become more involved in the budget process.

First Selectwoman Klein reported she met with Joe Corbone relating to work force development in Southeast Connecticut.

The First Selectwoman reported she met with the Darien Environmental Group.

The First Selectwoman reported that she receives many email messages and telephone calls and the issues she hears most often are snow removal, snow removal ordinance, clamming, tax relief for veterans, the proposed skate park, Noroton Heights train station, parking downtown, and purchasing the Procaccini property. She noted that she is receiving a lot of community support.

First Selectwoman Klein reported that she visited the Ridgefield Senior Center last week and next week will visit Westport. She stated there is a core of volunteers for the drafting of the Senior Newsletter and though the funding of it is unconfirmed, she may have a source for funding and the newsletter may be able to go out by the end of April.

The First Selectwoman reported that there was a SWRPA public hearing on rail transportation and presentations were given by Harry Harris and George Walker. She noted that there were a number of elected officials present including Andrew MacDonald.

The First Selectwoman reported that on the agenda was an item for the process of selecting the Tokeneke School Building Committee. She reported that she will send out a press release to the newspapers and have it on the website that they are looking for applicants.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary reported that for the last two months he has been working on the budget that will culminate in a decision this evening and will then be passed on to the Board of Finance.

Mr. Crary reported that there will be a meeting this week of the Fireworks Committee. He stated that they were very close to identifying a location and having the final details in place.

Mr. Crary reported that there will be a Special Meeting with the Pension Board tomorrow to meet with the actuary to discuss smoothing techniques to make contributions not as volatile.

Mr. Crary reported that the Tax Assessor, Mary Ann Obuchowski, was retiring on Friday. He continued that they have begun the process of looking for her replacement and are forming a Committee to interview applicants. He stated he hoped to have a recommendation for this position in a month.

NEW BUSINESS

a) Meet with Ruth Ann Ramsey and Janet Sargent, Co-Chairs of the Beautification Commission

Ms. Sargent stated that she and Ms. Ramsey had both been on the Beautification Committee for a number of years and had been co-chairs for the last 1 ½ years. She reported that their mission is to beautify the Town, the islands, the planters, and downtown and Noroton Heights trees. She continued that they have planted 25,000 daffodils. Ms. Sargent reported that their biggest concern was watering and they needed a watering truck. She reported that other major issues were litter, the railroad embankment along Squab Lane, and asked that something be done with the lot across from the coffee shop because it was an eyesore. She noted that they have started an initiative in Noroton Heights to put arms on the lampposts with hanging plants. Ms. Santarella asked who was funding the lamppost arms and Ms. Sargent replied that it was in their budget.

First Selectman Klein stated that she and Mr. Crary are working on improving the watering situation.

Mr. Harrel arrived at 7:45 p.m.

b) Proposed Amendment to the Darien Code of Ordinances - Jack Whitehead, Chairman of TGS&A

Mr. Jack Whitehead, Chairman, TGS&A Committee, stated that on behalf the TGS&A Committee he was requesting a proposed amendment to the Darien Code of Ordinances relating to the selection of Town Auditors. He continued that the Sub-Committee of the Rules Committee charged with assessing this issue recommended this proposal to his Committee for action.

Mr. Whitehead stated that currently the Board of Selectmen authorizes and directs to have the books of all Town departments audited. He was asking for the Board's input to amend the ordinance so that the Board of Finance would be authorized to do so and that the reports made by the auditors will be filed with the Board of Selectmen and the Town Clerk.

Ms. Thorne stated that she has not been in favor of this and she was happy with the system the way it was. Dr. Miceli asked when the auditor was appointed, where did the money come from and was it always the same amount. Mr. Peter Hovell, Chairman of the Board of Finance, replied it was in the budget and was always the same amount, \$30,000. Mr. Harrel stated that the general theory was that if the Board of Finance was responsible for the books, someone else should appoint the auditor. He continued that he did not think the system was perfect as it was done today, but it was as close as it was going to be. Ms. Santarella stated that she agreed with Ms. Thorne and Mr. Harrel and there was no reason to make a change.

Mr. Hovell stated that even though it is poorly worded, the State Law requires that the auditor reports to the Board of Finance and that they are responsible for the way the books are kept. First Selectwoman Klein stated that she had no problem with the change.

Town Counsel then stated that he met with the RTM and checked the legislative history of the ordinance. He reported that he would issue an opinion after he reviews the ordinance and would have an answer by the next meeting. He commented that he agreed with Mr. Hovell that the Statute was not drafted well.

c) Proposal from the ABC Board for a road race for Sunday, May 23, 2004

Mr. Doug Anderson reported that he received approval from the Police Department and the Athletic Department today and the Road Race has been changed to begin and end at the high school.

d) Receipt of Board of Education memorandum requesting formation of the Tokeneke School Building Committee and "Charge of Responsibilities" to be forwarded to the RTM for their consideration

Ms. Sallie Raleigh, Chair, Board of Education, stated that this Committee will be modeled after the High School Building Committee. She continued that she looked into the history and took a look at other charges for Building Committees. Mr. Harrel noted that this will now go to the RTM. Ms. Raleigh replied that she appreciated the Board dealing with this in a timely fashion so that it can go before the RTM at their March 15th meeting.

**** MR. HARREL MOVED THE FOLLOWING RESOLUTION:**

RESOLVED, THAT THERE IS HEREBY CREATED A COMMITTEE TO BE KNOWN AS THE TOKENEKE SCHOOL BUILDING COMMITTEE CONSISTING OF NINE ELECTORS, EIGHT OF WHOM SHALL BE APPOINTED BY THE BOARD OF SELECTMEN AND ONE OF WHOM SHALL BE DESIGNATED BY THE BOARD OF EDUCATION FROM AMONG ITS MEMBERS. FOR AND ON BEHALF OF THE TOWN OF DARIEN, SAID COMMITTEE SHALL BE AUTHORIZED AND CHARGED TO:

- 1. SELECT FROM ITS MEMBERSHIP A CHAIRMAN, VICE CHAIRMAN AND SECRETARY; AND INCLUDE IN ITS MEMBERSHIP, ONE BOARD OF EDUCATION MEMBER DESIGNATED BY THE BOARD OF EDUCATION;**

2. SELECT AN ARCHITECT AND OTHER PROFESSIONALS AS REQUIRED AND NEGOTIATE SATISFACTORY FEES;
3. PREPARE SCHEMATIC DRAWINGS, DESIGN DEVELOP DRAWINGS, CONSTRUCTION DOCUMENTS AND OUTLINE SPECIFICATIONS AND FINAL SPECIFICATIONS;
4. FILE FOR A GRANT APPLICATION WITH THE STATE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH STATE REGULATIONS, IF POSSIBLE BY JUNE 30, 2005, OR BY JUNE 30, 2006 TO ENSURE OCCUPANCY BY SEPTEMBER 2009;
5. REPORT BACK TO THE RTM FOR APPROVAL OF ANY AND ALL OF THE STIPULATIONS IN ACCEPTING STATE FUNDING;
6. MAKE APPLICATION TO PROPER TOWN AUTHORITIES FOR APPROPRIATIONS TO CARRY OUT THE BUILDING PROGRAM;
7. SUPERVISE THE EXPENDITURE FOR SUCH APPROPRIATIONS;
8. CARRY OUT THIS CHARGE IN ACCORDANCE WITH A SCHEDULE AS EXPECTED BY THE DARIEN BOARD OF EDUCATION THAT ALLOWS FOR OCCUPANCY AT THE EARLIEST SEPTEMBER OF 2008 AND AT THE LATEST, SEPTEMBER OF 2009;
9. REPORT TO THE BOARD OF SELECTMEN AT THE QUARTERLY DEPARTMENT HEADS' MEETINGS OR MORE FREQUENTLY AS NECESSARY;
10. ENSURE THAT THE NEW TOKENEKE SCHOOL HAS APPROPRIATE AND AS NEEDED NEW FURNITURE, FIXTURES AND EQUIPMENT, INCLUDING THOSE RELATED TO TECHNOLOGY;
11. REPORT TO THE BOARD OF EDUCATION MONTHLY AND TO THE RTM AT LEAST QUARTERLY AND TO BOTH AS APPROPRIATE AND NECESSARY, ON THE PROGRESS OF THE PROJECT; AND
12. NOTIFY THE DARIEN BOARD OF EDUCATION OF ANY MATTERS THAT AFFECT THE USE OF SCHOOL PROPERTY AND THUS REQUIRE THE APPROVAL OF SAID BOARD, GIVEN SAID BOARD'S AUTHORITY UNDER CONNECTICUT GENERAL STATUTES SECTION 10-220 FOR THE "CARE, MAINTENANCE AND OPERATION OF BUILDINGS, LANDS, APPARATUS AND OTHER PROPERTY USED FOR SCHOOL PURPOSES" AND ITS AUTHORITY UNDER CONNECTICUT GENERAL STATUTES SECTION 10-240 TO "MAINTAIN THE CONTROL OF ALL THE PUBLIC SCHOOLS" WITHIN THE TOWN OF DARIEN.

BE IT FURTHER RESOLVED, THAT THE BOARD OF SELECTMEN RECOMMEND TO THE REPRESENTATIVE TOWN MEETING THE ADOPTION OF THE FOREGOING RESOLUTION.

**** MS. SANTARELLA SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

e) RESOLUTION TO ACQUIRE THE PROCACCINI PROPERTY

Ms. Thorne stated that this acquisition has been chewed on for a long time and, although it was not definite, they needed to move forward on it. Dr. Miceli stated that they covered all the bases and have done all they could do to see what the value of the land was. The First Selectwoman stated that she supported this and was very excited about the opportunity to make an offer. Ms. Santarella stated that land acquisition was the Board's number one priority and it was the last piece of land that was really available.

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

WHEREAS, THE TOWN OF DARIEN IS IN NEED OF ACQUIRING FOR MUNICIPAL PURPOSES APPROXIMATELY 17± ACRES OF LAND OF WHAT IS COMMONLY REFERRED TO AS THE PROCACCINI PARCEL, LOCATED EAST OF HOYT STREET AND NORTH OF WAKEMORE STREET, WITHIN THE TOWN OF DARIEN; AND

WHEREAS, REPRESENTATIVES OF THE TOWN OF DARIEN HAVE HAD OCCASION TO SPEAK WITH AGENTS OF THE PROCACCINI FAMILY OVER THE LAST SEVERAL YEARS REGARDING A POSSIBLE PURCHASE; AND

WHEREAS, IT HAS VERY RECENTLY COME TO THE ATTENTION OF REPRESENTATIVES OF THE TOWN OF DARIEN THAT THE PROCACCINI FAMILY IS NOW DESIROUS OF SELLING SAID PROPERTY AND IS ACTIVELY MARKETING THE PROPERTY.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF SELECTMEN APPROVES THE EXPENDITURE OF SIX MILLION FIVE HUNDRED THOUSAND AND 00/100 (6,500,000.00) DOLLARS FOR THE ACQUISITION OF APPROXIMATELY 17± ACRES OF WHAT IS COMMONLY REFERRED TO AS THE PROCACCINI PROPERTY.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE BOARD OF FINANCE FOR THE APPROVAL OF SIX MILLION FIVE HUNDRED THOUSAND AND 00/100 (6,500,000.00) DOLLARS FOR THE ACQUISITION OF SAID PROPERTY.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE RTM FOR THE APPROVAL OF SIX MILLION FIVE HUNDRED THOUSAND AND 00/100 (6,500,000.00) DOLLARS FOR THE ACQUISITION OF SAID PROPERTY.

BE IT FURTHER RESOLVED THAT A REQUEST BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION UNDER §8-24 OF THE CONNECTICUT GENERAL STATUTES FOR A REPORT FROM SAID COMMISSION AS PROVIDED FOR BY SAID STATUTE.

BE IT FURTHER RESOLVED THAT THE APPROVAL OF THE ACQUISITION OF SAID PROCACCINI PROPERTY IS CONTINGENT UPON THE EXECUTION OF A REAL ESTATE CONTRACT FOR THE PURCHASE OF SAID PROPERTY WITH ITS NORMAL AND USUAL PROVISIONS.

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

f. RESOLUTION TO APPROVE THE 2004/2005 ANNUAL BUDGET AND SIX-YEAR CAPITAL PLAN AND SUBMITTING THE SAME TO THE BOARD OF FINANCE FOR THEIR CONSIDERATION.

The First Selectwoman reported that the Department Head and the Finance Director, Kate Clarke, had worked very hard to put together a budget that reflects the Board's priorities and that will enable the Board to make progress with their priorities. Mr. Cray then reviewed the changes to the budget that had been made since the Board's last review. Dr. Miceli stated his concern that what was driving the budget was the pension contribution and the employee health insurance and that this was driven by personnel. He commented that maybe a reduction of force should be looked into. Ms. Thorne commented that without an analysis of the services that would be lost she would not support it. The First Selectwoman stated that with only being in office for three months it was a little premature for her to make a commitment of that kind of cut. She continued her concern would be the impact of the delivery of services. Mr. Cray stated that without the specific it would be difficult to do an evaluation and he would need time to evaluate personnel positions and the impact it would have on the workload. Mr. Cray continued that the Town of Darien was not staff rich and that it was weak in staffing. He stated that he would continue to look at opportunities to cut the budget and will suggest them to the Board. Dr. Miceli stated that he wanted to get the thinking going because the benefits will be getting more expensive. Ms. Thorne commented that a 4.84% increase was minimum given the fixed costs they have to deal with. Mr. Cray stated that next year's budget was probably going to be close to the same in terms of growth and the debt payment.

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

WHEREAS, DURING THE PAST MONTH THE BOARD OF SELECTMEN HAVE REVIEWED AND EVALUATED THE PROPOSED BUDGET FOR FISCAL YEAR 2004/2005 AND THE SIX-YEAR CAPITAL PLAN THAT WAS SUBMITTED BY THE TOWN ADMINISTRATIVE OFFICER, AND

WHEREAS, FOLLOWING COMPLETION OF THIS REVIEW A NUMBER OF CHANGES AND MODIFICATIONS TO THE BUDGET HAVE BEEN MADE, NOW THEREFORE BE IT

RESOLVED, THAT THE MODIFIED ANNUAL BUDGET FOR 2004/2005 AND THE SIX-YEAR CAPITAL PLAN BE APPROVED AND BE IT FURTHER RESOLVED, THAT THE 2004/2005 BUDGET AND SIX-YEAR CAPITAL PLAN BE SUBMITTED TO THE BOARD OF FINANCE FOR THEIR CONSIDERATION.

- ** MS. THORNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

g) BUDGET TRANSFERS FOR THE PUBLIC WORKS DEPARTMENT

- 1. This transfer is required to allow for funds to cover unexpected or unexpectedly high expenses related to the railroad station.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

Acct.No.	Account	Amount	Acct-No.	Account	Amount
A0993006-86600	Contingency	\$10,000	A0448002-82041	Fac Repair & Maint	\$10,000
	TOTAL	\$10,000		TOTAL	\$10,000

- ** MR. HARREL MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE TRANSFER OF APPROPRIATIONS FROM ACCOUNT #A0993006-86600, CONTINGENCY, IN THE AMOUNT OF \$10,000 TO ACCOUNT #A0448022-82041, FACILITY REPAIR & MAINTENANCE, IN THE AMOUNT OF \$10,000.**
**** MS. THORNE SECONDED.**
**** MOTION PASSED UANIMOUSLY.**

- 2. This transfer is needed to cover sewer charges that are a result of a water leak.**

RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

Acct.No.	Account	Amount	Acct-No.	Account	Amount
A0447012-82041	Fac Repair & Maint	\$1,675	A0447012-82054	Fac Repair & Maint	\$1,675
	TOTAL	\$1,675		TOTAL	\$1,675

- ** MR. HARREL MOVED TO APPROVE FOR REFERRAL TO THE BOARD OF FINANCE THE TRANSFER OF APPROPRIATIONS FROM ACCOUNT #A0447012-82041, FACILITY REPAIR & MAINT., IN THE AMOUNT OF \$1,675 TO ACCOUNT #A0447012-82054, FACILITY REPAIR & MAINT., IN THE AMOUNT OF \$1,675.**
**** MS. THORNE SECONDED.**
**** MOTION PASSED UANIMOUSLY.**

OLD BUSINESS

a) Bob Harrel, Selectman, re: Farmer's Market for 2004

Mr. Harrel reported that the Farmer's Market will begin on Wednesday, June 16th and run through Thanksgiving. He reported that it will be held at the same location from 11 a.m. to 6:00 p.m.

PUBLIC COMMENT

There were no members of the public present at this time.

FORTHCOMING MEETINGS

February 24, 2004	Board of Education – Regular Meeting at 7:30 p.m.
February 24, 2004	P&Z Public Hearing at 8:00 p.m.
March 1, 2004	Board of Selectmen - Regular meeting at 5:30 p.m.
March 2, 2004	P&Z Planning meeting at 8:00 p.m.
March 9, 2004	Board of Finance Public Hearing on Budget at 8:00 p.m.
March 15, 2004	Board of Selectmen - Regular meeting at 7:30 p.m.
March 15, 2004	RTM meeting at 8:15 p.m.
March 17, 2004	P&R meeting at 7:30 p.m.

OTHER BUSINESS

(A two-thirds majority vote is required to add an item to the agenda.)

**** MS. SANTARELLA MOVED TO ADJOURN THE MEETING.**
**** DR. MICELI SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Donna DeVito
Telesco Secretarial Services